

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket 94-102
to Ensure Compatibility with Enhanced)	(DA 01-1623)
911 Emergency Calling Systems)	
Petition of Richardson, Texas)	

**REPLY COMMENTS OF NENA, APCO
AND TARRANT COUNTY 9-1-1 DISTRICT**

The National Emergency Number Association ("NENA"), the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the Tarrant County 9-1-1 District ("District") hereby reply to the comments of others in the captioned proceeding. In Comments of July 25, 2001, NENA and APCO recommended that the prerequisites for a valid request by a Public Safety Answering Point ("PSAP") to a wireless carrier for Phase II location service under the wireless E9-1-1 rules (Section 20.18) be kept to the minimum of a demonstration that the PSAP has the funding required by Section 20.18(j). The District's July 25th Comments documented the delay in fulfillment of its Phase II request by VoiceStream.

We specifically rejected imposition of any particular "mapping" predicate for use of latitude and longitude information received at the PSAP. Our reasoning was that most information needed for implementation of Phase II would flow from PSAP-carrier exchange of views and needs after a service request is made. In fact, NENA and APCO said, a PSAP working alone to validate its Phase II service request

could make wire carrier or vendor arrangements that are contrary to what the wireless carrier has in mind. The King County

decision, defining cost responsibilities for wireless carriers and PSAPs, puts a premium on mutual approaches to technological solutions for the delivery of 20 digits or more of callback number and location information. (Comments, 3, citation omitted)

Comments from wireless carriers and their associations make two principal arguments:

(1) the Wireless Telecommunications Bureau (“WTB”) is engaged in improper rulemaking; (2) certain prerequisite demonstrations of readiness will speed up the implementation process in the end, despite the six-month carrier fulfillment period. Rural Cellular Association also contends that legal obligations to evaluate small-business impact of the rule have not been met.

(Comments, 5-6)

NENA, APCO and the District see the Richardson proceeding as rule interpretation, not rule creation or amendment. The initial request from the City of Richardson, Texas was to this effect. In seeking further comment, WTB opined “that the rule as written may be capable of more than one interpretation.” (Public Notice, DA 01-1623, July 10, 2001) The WTB notice went on, however, to ask “whether the rule should be amended.” There is no need for amendment here. To respond to the City of Richardson, the Commission need only clarify and interpret Section 20.18(j) as to precisely when a PSAP must demonstrate its capability to receive and utilize Phase II location information from a wireless carrier.

We contend that a PSAP must be ready to receive when the carrier is ready to deliver.¹ If the PSAP makes its request for Phase II service prior to its ultimate readiness, the wireless carrier is entitled to assurance that the PSAP is funded for the purpose of making itself ready. As NENA indicated in earlier comments, the carrier is also entitled to enough time to test delivery without penalty for lateness. Even if the Commission decides to establish additional

¹ *Accord*, City of Richardson, Texas 9-1-1 Agencies, Mid-America Regional Council, Tarrant County, Texas 9-1-1 District.

prerequisites for PSAP readiness, up to a point² the agency may be seen as simply interpreting and clarifying, rather than changing, Section 20.18(j). To whatever extent WTB might have stepped beyond its authority in Public Notice DA 01-1623, the full Commission can cure the defect by issuing the order responding to the City of Richardson.

Several carriers recommend that a PSAP demonstrate compatibility with an “E2 interface.”³ This is one of a series of requirements listed in an attachment to the CTIA Comments. Public safety representatives have participated in the standards body working on the interface. As the industry members of the working group will acknowledge, the standard was developed under a mistaken assumption about SS7 connectivity to ALI databases, and about the extent to which a PSAP employing a third-party Non-Call Associated Signaling (“NCAS”) vendor would need the E2 interface. The standard may be in place, but its usefulness to PSAPs remains unsettled. Which is all the more reason that discussions about the interface belong to the post-request period, rather than making E2 compatibility an antecedent requirement for the PSAP.

Moreover, the CTIA discussion of the interface (Comments, 4) reaches well beyond the FCC’s Phase II rules. For example, “update request functionality” is no part of the regulations. The rule calls for location of the caller at the time the call is placed, nothing more. Nor is “confidence level” any part of the PSAP’s required capability to receive and use Phase II location data.

In fact, the wording of Point 2 in CTIA’s “Phase II Request Criteria,” in using the term “confidence level,” implies a PSAP requirement for computerized mapping which simply is not

² We think that point is exceeded, however, by the CTIA request discussed, *infra*.

³ CTIA Comments, 4; Sprint PCS Comments, 2.

to be found in the regulations. A PSAP is entitled to plot latitude and longitude on a paper map, if it chooses.

The working group document appended to the CTIA Comments is labeled a “petition.” We submit that it amounts to a petition for rulemaking. By specifying PSAP requirements that cannot reasonably be “clarified” or “interpreted” into the rules, the CTIA request goes well beyond the Richardson issues and would seem to require a separate and formally-noticed proceeding.

Our principal concern, until we learn more, is that this detailed set of proposals not be an excuse for further delaying at least the start of carrier responses to PSAP Phase II requests. It would be our hope that issues such as E2 and its alternatives, manual versus computerized mapping, location updates, etc., can be thrashed out in the six-month period (or more, if the parties mutually determine to extend) following a PSAP request that gives the carrier the minimum assurances we recommend.

Finally, we are constrained to take issue with Cingular’s lifting out of context (Comments, 3, note 8) a snippet from comments we made five years ago, claiming that the FCC rejected in 1996 our expectation that carriers and PSAPs would deploy “together, rather than in sequence.” We think the entire quote from our 1996 comments bears repeating, because it foresaw exactly what has happened in the years since:

In the Joint Commenters’ view, the greater danger to the noble enterprise of upgrading PSAPs, wireline and wireless systems to E9-1-1 capability is for any one of these parties to think it can wait for the other to begin. The conditioning of carrier compliance on the availability of a funding mechanism should not mean that either the wireline or the wireless carriers can afford to stay away from the table until the public authorities have sweated out the difficult financing issues on their own. Parties are better

advised to move forward together, rather than in sequence, and we ask the FCC to reaffirm this.⁴

That extract, of course, is not about the Richardson issue. The views were expressed in the context of cost recovery provisions which were later revised. But the need for the parties to “move forward together” remains.

In terms of this Richardson proceeding, the best way to advance mutually is to allow the PSAP request for Phase II service to be as uncomplicated as possible, leaving to subsequent PSAP discussion with wireless and wireline carriers and other vendors the working out of the many details involved in successful implementation. If the parties decide that more than six months is needed to comply – for any one of them – surely they can protect themselves contractually against any later claim that somebody was tardy in violation of the rules.

Respectfully submitted,

NENA and APCO and the DISTRICT

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⁴ Opposition and Comments of NENA, APCO and NASNA, October 8, 1996, 6.